

[First Reprint]

SENATE, No. 2001

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED MAY 24, 2012

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Establishes permanent sterile syringe access program; appropriates \$95,000.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on June 7, 2012, with amendments.



(Sponsorship Updated As Of: 6/22/2012)

1 AN ACT concerning sterile syringe access programs, amending
2 P.L.2006, c.99 and making an appropriation.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 2 of P.L.2006, c.99 (C.26:5C-26) is amended to read
8 as follows:

9 2. The Legislature finds and declares that:

10 a. **[New Jersey, in comparison with other states nationwide,**
11 **has the highest rate of cumulative AIDS cases among women, the**
12 **third highest rate of cumulative pediatric AIDS cases, the fifth**
13 **highest adult HIV rate, and a rate of injection-related HIV infection**
14 **that is almost twice the national average]** Injection drug use is one
15 of the most common methods of transmission of HIV, hepatitis C,
16 and other bloodborne pathogens;

17 b. About one in every three persons living with HIV or AIDS is
18 female;

19 c. More than a million people in the United States are frequent
20 intravenous drug users at a cost to society in health care, lost
21 productivity, accidents, and crime of more than \$50 billion
22 annually;

23 d. Sterile syringe access programs have been proven effective
24 in reducing the spread of HIV, hepatitis C, and other bloodborne
25 pathogens without increasing drug abuse or other adverse social
26 impacts; **[yet New Jersey remains the only State nationwide that**
27 **provides no access to sterile syringes in order to prevent the spread**
28 **of disease;]**

29 e. Every scientific, medical, and professional agency or
30 organization that has studied this issue, including the federal
31 Centers for Disease Control and Prevention, the American Medical
32 Association, the American Public Health Association, the National
33 Academy of Sciences, the National Institutes of Health Consensus
34 Panel, the American Academy of Pediatrics, and the United States
35 Conference of Mayors, has found sterile syringe access programs to
36 be effective in reducing the transmission of HIV; and

37 f. Sterile syringe access programs are designed to prevent the
38 spread of HIV, hepatitis C, and other bloodborne pathogens, and to
39 provide a bridge to drug abuse treatment and other social services
40 for drug users; and it is in the public interest to **[encourage the**
41 **development of]** establish such programs in this State in accordance
42 with statutory guidelines designed to ensure the safety of consumers
43 who use these programs, the health care workers who operate them,

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted June 7, 2012.

1 and the members of the general public.

2 (cf: P.L.2006, c.99, s.2)

3
4 2. Section 3 of P.L.2006, c.99 (C.26:5C-27) is amended to read
5 as follows:

6 3. The Commissioner of Health and Senior Services shall
7 establish a **【demonstration】** program to permit **【up to six**
8 **municipalities】** a municipality to operate a sterile syringe access
9 program in accordance with the provisions of **【this act. For the**
10 **purposes of the demonstration program, the】** P.L.2006, c.99
11 (C.26:5C-25 et al), as amended by P.L. , c. (pending before the
12 Legislature as this bill)). The commissioner shall prescribe by
13 regulation requirements for a municipality to establish, or otherwise
14 authorize the operation within that municipality of, a sterile syringe
15 access program to provide for the exchange of hypodermic syringes
16 and needles in accordance with the provisions of **【this act】**
17 P.L.2006, c.99, '【as amended by P.L. , c. (pending before the
18 Legislature as this bill)】 and consistent with the rules adopted at
19 N.J.A.C.8:63-1.1 et seq., effective April 9, 2007¹.

20 a. The commissioner shall:

21 (1) request an application, to be submitted on a form and in a
22 manner to be prescribed by the commissioner, from any
23 municipality that seeks to establish a sterile syringe access program,
24 or from other entities authorized to operate a sterile syringe access
25 program within that municipality as provided in paragraph (2) of
26 subsection a. of section 4 of **【this act】** P.L.2006, c.99, as amended
27 by P.L. , c. (pending before the Legislature as this bill);

28 (2) approve those applications that meet the requirements
29 established by regulation of the commissioner and contract with the
30 municipalities or entities whose applications are approved to
31 establish a sterile syringe access program as provided in paragraph
32 (2) of subsection a. of section 4 of **【this act】** P.L.2006, c.99, as
33 amended by P.L. , c. (pending before the Legislature as this bill),
34 to operate a sterile syringe access program in any municipality in
35 which the governing body has authorized the operation of sterile
36 syringe access programs within that municipality by ordinance;

37 (3) support and facilitate, to the maximum extent practicable,
38 the linkage of sterile syringe access programs to such health care
39 facilities and programs as may provide appropriate health care
40 services, including mental health and substance abuse treatment,
41 and to housing assistance, career employment-related counseling,
42 and education counseling to consumers participating in any such
43 program;

44 (4) provide for the adoption of a uniform identification card or
45 other uniform Statewide means of identification for consumers,
46 staff¹,¹ and volunteers of a sterile syringe access program pursuant
47 to paragraph (8) of subsection b. of section 4 of **【this act】** P.L.2006,

1 c.99, as amended by P.L. , c. (pending before the Legislature as
2 this bill); and

3 (5) maintain a record of the data reported to the commissioner
4 by sterile syringe access programs pursuant to paragraph (10) of
5 subsection b. of section 4 of **[this act]** P.L.2006, c.99, as amended
6 by P.L. , c. (pending before the Legislature as this bill).

7 b. The commissioner shall be authorized to accept such funding
8 as may be made available from the private sector to effectuate the
9 purposes of **[this act]** P.L.2006, c.99, as amended by P.L. , c.
10 (pending before the Legislature as this bill).

11 (cf: P.L.2006, c.99, s.3)

12

13 3. Section 5 of P.L.2006, c.99 (C.26:5C-29) is amended to read
14 as follows:

15 5. a. (1) The Commissioner of Health and Senior Services shall
16 report to the Governor and, pursuant to section 2 of P.L.1991, 164
17 (C.52:14-19.1), the Legislature, no later than one year after the
18 effective date of **[this act]** P.L.2006, c.99 (C.26:5C-25 et al) and
19 biennially thereafter, on the status of sterile syringe access
20 programs established pursuant to sections 3 and 4 of P.L.2006, c.99
21 (C.26:5C-27 and C.26:5C-28), as amended by P.L. , c. (pending
22 before the Legislature as this bill), and shall include in that report
23 the data provided to the commissioner by each sterile syringe access
24 program pursuant to paragraph (10) of subsection b. of section 4 of
25 P.L.2006, c.99 (C.26:5C-28), as amended by P.L. , c. (pending
26 before the Legislature as this bill).

27 (2) For the purpose of each biennial report pursuant to
28 paragraph (1) of this subsection, the commissioner shall:

29 (a) consult with local law enforcement authorities regarding the
30 impact of the sterile syringe access programs on the rate and
31 volume of crime in the affected municipalities and include that
32 information in the report; and

33 (b) seek to obtain data from public safety and emergency
34 medical services providers Statewide regarding the incidence and
35 location of needle stick injuries to their personnel and include that
36 information in the report.

37 b. **[The commissioner shall report to the Governor and,**
38 **pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the**
39 **Legislature, no later than six months after the date that the initial**
40 **sterile syringe access program, which is approved by the**
41 **commissioner pursuant to section 3 of P.L.2006, c.99 (C.26:5C-27),**
42 **commences its operations, and shall include in that report:**

43 (1) an assessment of whether an adequate number of drug abuse
44 treatment program slots is available to meet the treatment needs of
45 persons who have been referred to drug abuse treatment programs
46 by sterile syringe access programs pursuant to paragraph (4) of
47 subsection b. of section 4 of P.L.2006, c.99 (C.26:5C-28); and

1 (2) a recommendation for such appropriation as the
2 commissioner determines necessary to ensure the provision of an
3 adequate number of drug abuse treatment program slots for those
4 persons.】 (Deleted by amendment, P.L. , c.) (pending before the
5 Legislature as this bill)

6 c. The commissioner shall '【contract with an entity that is
7 independent of the department to】' prepare a detailed analysis of
8 the sterile syringe access programs, and '【to】' report on the results
9 of that analysis to the Governor, the Governor's Advisory Council
10 on HIV/AIDS and Related Blood-Borne Pathogens, and, pursuant to
11 section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature '【, no
12 later than 24 months after the adoption of regulations required
13 pursuant to subsection b. of section 7 of P.L.2006, c.99 (C.26:5C-
14 31) and】' annually '【thereafter】'. The analysis shall include, but
15 not be limited to:

16 (1) any increase or decrease in the spread of HIV, hepatitis C,
17 and other 【blood-borne】 bloodborne pathogens that may be
18 transmitted by the use of contaminated syringes and needles;

19 (2) the number of exchanged syringes and needles and an
20 evaluation of the disposal of syringes and needles that are not
21 returned by consumers;

22 (3) the number of consumers participating in the sterile syringe
23 access programs and an assessment of their reasons for participating
24 in the programs;

25 (4) the number of consumers in the sterile syringe access
26 programs who participated in drug abuse treatment programs; and

27 (5) the number of consumers in the sterile syringe access
28 programs who benefited from counseling and referrals to programs
29 and entities that are relevant to their health, housing, social service,
30 employment, and other needs.

31 d. 【Within 90 days after receipt of the third report pursuant to
32 subsection c. of this section, the commissioner shall submit to the
33 Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
34 19.1), the Legislature, on a day when both Houses of the
35 Legislature are meeting in the course of a regular or special session,
36 the commissioner's recommendations regarding whether or not to
37 continue the demonstration program established pursuant to this act.
38 The commissioner's recommendations shall be effective unless the
39 Legislature passes a concurrent resolution overriding the
40 commissioner's recommendations no later than the 45th day after its
41 receipt of those recommendations.】 (Deleted by amendment,
42 P.L. , c.) (pending before the Legislature as this bill)
43 (cf: P.L.2006, c.99, s.5)
44

45 4. Section 8 of P.L.2006, c.99 (C.2C:36-6a) is amended to read
46 as follows:

1 8. The possession of a hypodermic syringe or needle by a
2 consumer who participates in, or an employee or volunteer of, a
3 sterile syringe access program established pursuant to sections 3
4 and 4 of P.L.2006, c.99 (C.26:5C-27 and C.26:5C-28), as amended
5 by P.L. , c. (pending before the Legislature as this bill), shall not
6 constitute an offense pursuant to N.J.S.2C:36-1 et seq. This
7 provision shall extend to a hypodermic syringe or needle that
8 contains a residual amount of a controlled dangerous substance or
9 controlled substance analog.
10 (cf: P.L.2006, c.99, s.8)

11
12 5. There is appropriated from the General Fund to the
13 Department of Health and Senior Services the sum of \$95,000 to
14 effectuate the provisions of this act.

15
16 6. This act shall take effect immediately.